(17)

HIGH COURT OF CHHATTISGARH, BILASPUR

Cr. Misc. Pet. No.252/2007

Petitioners	1. Niranjan Tripathi alias Satpathi son of Nirmalchand Tripathi aged 32 years R/o Modal Town Supela District-Durg(CG) 2. Sona alias Sanjiv Mukharji son of Himanshu Mukharji aged 32 years House No.239 Road No.6 Smriti Nagar, District-Durg)(CG)
	Versus
Respondent	State of Chhattisgarh Through Police Station Supela District-Durg(CG)

Appearance:

Shri S.K.Mishra, counsel for the petitioners.

Shri Sushil Dubey, Government Advocate for the State on advance copy.

ORAL ORDER
(18.7.2007)

SUNIL KUMAR SINHA, J.

Heard.

This petition has been directed against the order dated 18.4.2007, passed by the 4th Additional Sessions Judge, Durg (CG) in S.T.No.122/2005. The petitioners are 2 accused persons, who are on bail in the said case. Their only grievance against the order is that the Sessions Court has fixed this case for further evidence continuously from 1st August 2007 to 31st August, 2007.

Learned counsel for the petitioners argues that the Lawyer appearing for the petitioners namely- Shri M. K. Khan, is a thyroid patient, therefore, he may not be able to continue with the trial for a continuous block of one month. As stated by learned counsel for the petitioners, there are 6 accused persons in this case, out of which, 5 accused persons are on bail and 1

accused is in jail since the very first day of his arrest and a different Lawyer is representing him.

A perusal of the order would show that looking to the previous conduct of the trial, particularly with reference to consuming of time, the Sessions Court, keeping in mind that one of the accused is in jail, has fixed the trial for the said block of one month. In such a situation, the objection raised on behalf of the accused persons that their Lawyer would not be able to continue with the trial on account of he being a patient of thyroid at this stage i.e. on 10.7.2007 (date of filing of this petition), does not appear to be bonafide and reasonable. Who can know what will be the position of the Lawyer on the said date, which is yet to come.

The objection taken by the 2 accused persons, who are on bail, appears to be unjustified.

I do not find any reason to interfere with the order of fixation of the case for taking evidence on the said dates.

There is no merit in the petition. The same is not worth admission and is dismissed at the motion stage itself.

Sd/-
Sunil Kumar Sinha
Judge

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